

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:	:	
STEVEN R. ANDERSON,	:	CASE NO. 04-12503-TPA
	:	
DEBTOR	:	CHAPTER 13
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STEVEN R. ANDERSON	:	DOCUMENT NO. ____
MOVANT	:	
	:	
VS.	:	
	:	RELATED DOCUMENT NO. ____
NEW REZ, LLC.	:	
RESPONDENT	:	

**MOTION FOR CONTEMPT AND SANCTIONS**

And now, comes the Debtor, Steven R. Anderson, by and through his counsel, John C. Melaragno, Esquire, of the law firm MELARAGNO, PLACIDI & PARINI, who files the within Motion for Contempt and Sanctions, and in support thereof avers as follows:

1. The Movant is the Debtor, Steven R. Anderson, an adult individual with a mailing address of 2408 Taggart Street, Erie, PA 16510 (hereinafter "Debtor").
2. The Respondent is New Rez, LLC and maintains a corporate 1100 Virginia Drive, Suite 125, Fort Washington, PA 19034.
3. The Debtor filed for relief under Chapter 13 of Title 11 of the United States Code on September 23, 2004.
4. The Debtor, on October 7, 2004, filed a Motion to Determine Secured Status, alleging that the second mortgage<sup>1</sup> given to Irwin Union Bank and Trust Company and serviced by Irwin Home Equity secured by the real property situated at 2408 Taggart Street, Erie, PA 16510 was fully unsecured and therefore voidable.
5. On November 19, 2004, the Honorable Warren W. Bentz approved a Stipulation between the Debtor and Irwin Home Equity, wherein Irwin Home Equity agreed to

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<sup>1</sup> The Irwin Union Bank and Trust Company mortgage was recorded at the Erie County Recorder of Deeds on September 26, 2000 at Bood 728 Page 1418. A recent search of the public records shows that said mortgage remains open and unsatisfied.

be treated as a fully unsecured creditor and further agreed to satisfy the second mortgage upon the successful completion of the Debtor's Chapter 13 Bankruptcy. Attached as Exhibit "A" is a copy of said Stipulation and Order.

6. The Debtor made all of his required Chapter 13 payments and successfully completed his Chapter 13 Plan.
7. The Debtor received his discharge on March 12, 2010 and his bankruptcy case was closed by entry of the final decree on July 14, 2010. Attached as Exhibit "B" are copies of the Discharge and Final Decree.
8. Upon the conclusion of the case, Irwin Home Equity did not and has not satisfied the Second Mortgage, as required by the Stipulation. Attached as Exhibit "C" is a copy of the open mortgage that needs to be satisfied.
9. On August 31, 2009, Irwin Home Equity transferred its claim to Green Tree Servicing, LLC. Sometime after the completion of the Debtor's Bankruptcy case, Green Tree Servicing, LLC merged with New Rez, LLC.
10. In January of 2021, the Debtor learned that the Irwin Mortgage had not been satisfied and In January of 2021, the undersigned counsel for the Debtor contacted NewRez, LLC and advised them of the situation and requested the outstanding mortgage on the Debtor's residence at 2408 Taggart Street, Erie, PA 16510 be satisfied.
11. To date and after repeated requests to do so, NewRez, LLC has not satisfied the mortgage.

#### **RELIEF REQUESTED**

12. The Respondent should be directed to immediately satisfy the outstanding mortgage on 2408 Taggart Street, Erie, PA 16510.
13. The Respondent's failure to comply with the Order of Court directing the Respondent to file a Satisfaction with the Erie County Recorder of Deeds to release their claim against the Debtor's residence constitutes a willful violation of this

Court's Order.

14. The Respondent should be found in Contempt for its willful violation of this Court's Order.
15. The Respondent should be sanctioned for its willful conduct in failing to comply with this Court's Order. The sanction should be in an amount that this Court deems just and proper and should include an award for the attorney's fees and costs of the Debtor associated with the prosecution of this Motion.

WHEREFORE, the Debtor respectfully requests this Honorable Court enter an Order directing NewRez, LLC to immediately satisfy the Irwin Union Bank and Trust Company mortgage on 2408 Taggart Street, Erie, PA 16510 and further find the Respondent in Contempt for failing to abide by this Court's prior Order and to issue an Order for Sanctions in an amount deemed appropriate by this Court and to further award the Movant's attorney's fees and costs.

RESPECTFULLY SUBMITTED,

MELARAGNO, PLACIDI & PARINI

BY: /s/ John C. Melaragno

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